

REMARKS

This is responsive to the Notice of Non-Compliant Amendment dated June 10, 2004. It is being timely filed prior to the due date of July 10, 2004.

The Notice states that the Preliminary Amendment filed on February 24, 2004 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. § 1.121. Specifically, a complete listing of all of the claims was not present. Applicants believe that the Notice of Non-Compliance is incorrect. Specifically, 37 C.F.R. § 1.121(a) indicates that the section applies for other than reissue applications, and subsection 1.121(i) states that 37 C.F.R. § 1.173 applies to amendments for reissue applications. Section 1.173 does not include the requirement that all the claims with their current status be provided. Rather, section 1.173(b)(2) states that “An amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper.” As readily seen, no requirement exists in section 1.173 to specifically list the contents of all the pending claims.

Nonetheless, to avoid any further delay in the prosecution of this case, Applicants have included in this reply a complete listing of all of the claims, including originally patented claims 1-10 that were not included in the Preliminary Amendment filed on February 24, 2004. (Claims 11-13 were canceled in the February 24 Preliminary Amendment.)

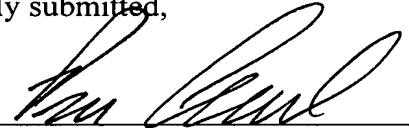
The claims in this amendment are identical to the claims in the amendment filed on February 24, 2004, except that (1) the currently accepted status identifiers have been used and (2) original patented claims 1-10 are included. As these are amended reissue claims, and the full content of all but the originally patented claims are underlined, please refer to the Remarks section of the February 24, 2004 Preliminary Amendment to see the substance of the claim changes.

Claims 1-54 were pending in this application. By the Amendment filed on February 24, 2004, claims 14, 21, 27, 30, 32, 33, 35, 37-40, 42, and 43 have been amended, and claims 11-13, 22-26, 29, 31, 36, 41, and 44 have been canceled. Accordingly, claims 1-10, 14-21, 27-28, 30, 32-35, 37-40, 42-43, and 45-54 remain pending in this application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date JUNE 28, 2004

By 

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